

City Council
Atlanta, Georgia

05-0-1113

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-05-44
Date Filed: 5-10-05

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3630 Peachtree Road, 3626 Peachtree Road (small triangular portion) and 3690 Peachtree Dunwoody Road, N.E.** be changed from the PD-OC (Planned Development-Office-Commercial) District to O-I-C (Office –Institutional-Conditional)/SPI-12 District, to wit:

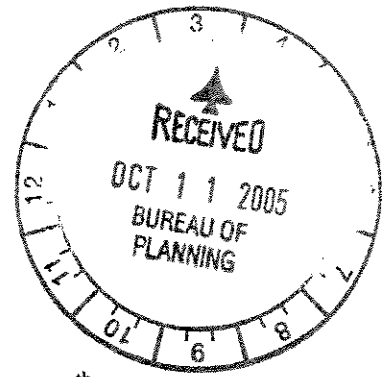
ALL THAT TRACT or parcel of land lying and being Land Lot 44 of the 17th District, Fulton County, Georgia by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Legal Description
For
3630 Peachtree Road and
3690 Peachtree Dunwoody Road



All that tract or parcel of land being and lying in Land Lot 44 of the 17th District of Fulton County, Georgia. Said tract being more particularly described as follows:

Beginning at a concrete Right of Way Monument found at the intersection of the west Right of Way of Peachtree Dunwoody Road with the north Right of Way of Peachtree Road; thence South 22 degrees 30 minutes 55 seconds West along the north Right of Way of Peachtree Road a distance of 34.73 feet to a point;
thence South 48 degrees 55 minutes 16 seconds West continuing along said Right of Way a distance of 37.44 feet to a point;
thence South 77 degrees 58 minutes 17 seconds West continuing along said Right of Way a distance of 176.69 feet to a 5/8-inch rebar;
thence South 77 degrees 58 minutes 17 seconds West a distance of 75' to a point
thence North 7 degrees 17 minutes 09 seconds East leaving the north Right of Way of Peachtree Road a distance of 175 feet to a point;
thence North 17 degrees 56 minutes 47 seconds West 431.24 feet to 1/2" rebar;
thence North 89 degrees 55 minutes 20 seconds East a distance of 398.98 feet to a 1-inch open-top pipe on the west Right of Way of Peachtree Dunwoody Road;
thence South 00 degrees 03 minutes 29 seconds West continuing along the west of Right of Way of Peachtree Dunwoody Road a distance of 475.67 feet to a concrete Right of Way Monument and the point of beginning.
Said tract containing 4.02 acres (175,054 sf) of land area.

Conditions for Z-05-44
3630 Peachtree Road and 3690 Peachtree Dunwoody Road, N.E.

1. A site plan entitled "Zoning Plan-3630 Peachtree Road" by Long Engineering dated October 27, 2005 and marked received by the Bureau of Planning on October 28, 2005.
2. The Applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta based on the number of automobile parking spaces, whichever number is greater. The number of bicycle parking spaces installed shall meet the City's minimum requirements during each phase of the development. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.
3. All stormwater detention facilities shall be enclosed and located below grade or within structured areas. The project shall release stormwater runoff at a rate equal to 80% or less of the current stormwater runoff rate. During construction, stormwater runoff shall be limited to a rate not greater than the current rate. The SPI-12 neighborhoods reserve the right to review and inspect hydrology studies and obtain independent reports and opinions.
4. All dumpsters and service facilities shall be screened or shall be located completely within the enclosed area of the parking deck labeled loading dock as set forth on the site plan. Dumpsters shall only be emptied between the hours of 8 a.m. and 5 p.m. on non-holiday week days. Signage stating hours, no idling outside loading dock, and no queuing for space into loading dock shall be conspicuously posted at the loading dock.
5. All exterior lighting (excluding street lights) including parking deck lighting shall be designed, shielded and constructed so as to limit the light trespass off site (other than onto property of the Wieuca Road Baptist Church) to a level of two foot-candles. Vehicle headlights shall be blocked from shining on surrounding residential property (excluding Church property) when operating within the parking decks.
6. The development shall comply with existing City of Atlanta ordinances with regard to hours of construction and noise limitations. During construction, all construction vehicles will be parked on-site and not on the surrounding public streets. No construction parking shall be allowed on the Church soccer/playing fields. Fencing around the Church soccer/playing fields will remain during construction. Also, during the period of construction, the developer will notify the presidents of each of the SPI-12 neighborhoods and the Chair of the Zoning Committee of NPU-B of a contact name and telephone number which will be answered 24 hours a day, 7 days a week regarding problems with the construction. Said person shall be a human and not a recorded voice on an answering machine.

Conditions for Z-05-44
3630 Peachtree Road and 3690 Peachtree Dunwoody Road, N.E.

7. The point of access for service vehicles to the development shall be the service entrance located on Peachtree-Dunwoody Road and signage will be installed at that point of access disallowing left turns north onto Peachtree-Dunwoody Road by service vehicles.
8. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.
9. The Applicant will not request any administrative site plan amendment which seeks to change any of the conditions contained herein without first giving notice of such request to the president of each of the SPI-12 neighborhoods and the Chair of the Zoning Committee of NPU-B. The president of each SPI-12 neighborhood and the Chair of the Zoning Committee of NPU-B will be notified thirty (30) days prior to making any requests for an administrative site plan amendment. However, the applicant will have the right to request administrative changes in the site plan without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta and do not: (a) increase the height in stories or square footage of any building or the number and/or location of parking spaces; (b) change any of the uses or location of said uses specified on the site plan; (c) decrease any exterior setback or the amount of landscaped area; (d) materially reduce public access or public spaces; or (e) otherwise materially alter these conditions.